

# **SEWER COMMISSION MINUTES**

**March 14, 2007**

**Mr. Briggs - The regular meeting of the Town of North Smithfield Sewer Commission was called to order on Wednesday, March 14, 2007 at 7:02 pm.**

**Roll Call - Mrs. Paul - In attendance was: Mr. Tikoian, Mr. McGee, Mr. Nordstrom, Mrs. Briggs, Mr. Connolly, and Mrs. Paul, Secretary. Mr. Alvarez was not in attendance.**

## **1. APPROVAL OF MINUTES**

**Mrs. Briggs -Approval of Sewer Commission for January 10, 2007 minutes.**

**MOTION made by Mr. Nordstrom, seconded by both Mr. McGee and Mr. Tikoian and voted unanimously on an aye vote 5-0 to accept and approve the January 10, 2007 minutes.**

## **2. REPORT FROM SUPERINTENDENT**

**Mrs. Briggs – Stated to suspend the report from Mr. Alvarez since there was no report received from him for the month of December or January.**

### **3. FACILITY PLAN DISCUSSION – Setting Priorities**

**Mrs. Briggs-The commission is scheduled to meet jointly at a workshop with the council on Monday, April 2, 2007 at Kendall Dean and told all members to mark their calendars. The secretary will confirm with the town clerk and will ask Mr. Geremia to join the workshop. She explained to the members that there will be a public hearing first and she will inform them as soon as the secretary gets confirmation as to when to show up for the workshop from the town clerk.**

### **4. SUSAN BOWAB-24 Oaklawn Road-Sewer User Fee Abatement**

**Mrs. Bowab stated that the sewers have been going by her home for over 20 years. When they first went in, they were told that if they hooked in they would be responsible for any damages to the pipes that were in the street. Her entire yard is ledge. They don't feel that it was fair to take responsibility so the town at that time was told that they were a hardship case and as long as their septic system was working that they would not have to tie into the sewers. Her question was that since it goes by their house, and they have never used it, why is it that they have to pay for using it.**

**Mrs. Briggs stated that as she understands it, that charge is for operation and maintenance and it is to maintain the pipe.**

**Mrs. Bowab asked if that was in additional charge to the sewer assessment?**

**Mrs. Briggs answer was yes. The assessment that was paid at the time of the installation was the total construction cost divided by the number of potential users based on whatever formula was in place at the time of that particular development. The sewer usage is to pay for the daily operation and maintenance of the system.**

**Mrs. Briggs asked Mrs. Bowab if she had anything in writing stating that she has a hardship?**

**Mrs. Bowab stated that no, she does not have anything in writing. They were put in back in 1979 and she doesn't know who was on the commission at the time.**

**Mrs. Briggs stated that because the pipe goes by her home, the sewerage usage would apply. She explained to Mrs. Bowab that what they have requested from other residents in the past who have requested hardships was to get an estimate from an engineer that would show the cost of connecting today because of the changing technology. What was a hardship 20 years ago may not be a hardship today. She suggested to Mrs. Bowab to contact an engineer who can put together an estimate and the commission can look at it from that prospective and make a determination of whether or not and also get verification from a septic service that her septic system is ok and then the commission can look at a process for a hardship. She needs to get that on records but at present without anything on**

record the ordinance does read that if your not in compliance a year after the sewers go by, and she could be fined up to \$500/day. She stated that what Mrs. Briggs would be concerned with is that in fact it is a physical hardship, or the connection is a hardship, she would want that to go on record. She stated that she should protect herself and begin the process to get it on records.

Mrs. Bowab asked what type of engineer?

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Mrs. Briggs stated someone who would normally be putting those sewers in. She explained that the engineer should supply what the costs and risks are and then put that information before the sewer commission to look at. She told Mrs. Bowab that the April meeting is cancelled and will be moved to a joint meeting with the town council. If she could gather her paperwork and contact the secretary Pat Paul and meet at the second Wednesday of May 9th if she is available then.

##### **5. KEITH DULUDE-Sewer Assessment Abatement-10 Glen Avenue**

Mr. Dulude had met with the commission last year regarding his property at 10 Glen Avenue Sewer Connection requesting a credit from the town for the installation for the project. He was told by someone who works for the town that he could receive a credit back

for that and determined that that was incorrect. He knew that some people were not paying as much as others in the town and not everyone is paying the same connection fee and there are different prices for different districts. He feels that people who are in his situation are not all paying the same amount that he is being charged and some are. He is going before the council next week and it was suggested that he at least have a discussion with the commission prior to going to the council who will then he will be referred back to the commission. He stated that the purpose of his meeting is getting the commissions opinion. He is being charged \$5,200/unit and there is 5 units and is being charged a total of \$26,000.

Mrs. Briggs also stated that he is not in the existing district.

Mr. Dulude stated that it seems that the bigger developers from out of town can come in and make their own deals and the little local guys get stuck with the big bills. He stated that the Meadows were charged \$36,000 for 80 units and are being charged \$1,500 for the first unit and \$450 per unit thereafter. Another resident in town owning a single family house has paid \$1,500 and is not in a sewer district and alleged that was a mistake by the town and the town didn't want to fight it in court but the bottom line was he paid only \$1,500. He connected to union village which is his complaint and he knows he will be referred to the ordinance.

Mrs. Briggs expressed where he was coming from and stated that

since she has been sitting on the commission, there has not been a recommendation from the commission that deviates from the ordinance. She stated that they have been consistent in anyone who is trying to connect outside of an existing district, would be required to pay the \$5,200 connection fee in addition to any of their connection costs. From a consistency perspective, this commission and the other commissions who have served at least during her tenure have consistently put that forward. She feels that in his situation, she stated that he certainly can pursue whatever he would like to do and that they are consistent but where the consistency lies is where he is going to the council.

Mr. Dulude understands that the commission is doing what they are suppose to do and following the ordinance and he feels that other people get other deals and feels it isn't fair and he stated he wouldn't mind to pay \$5,200/unit if everybody else had to.

Mrs. Briggs stated that is the reason for the ordinance and that is why they make the recommendation.

Mr. McGee stated that Silver Pines got it because they put the sewers in that somebody else can use in the town.

Mr. Dulude understands them and he feels that not everyone is contributing to the welfare of the town for connecting and feels it has to be all or none.

**Mrs. Briggs stated that the people who served on the commission including Mr. Nordstrom before her who have worked for better than a year to put that \$5,200 to make sure that the language was clear and to avoid these very situations. That was put into place in the year 2000, which was three months before she joined the commission.**

**Mr. Nordstrom was on the commission at that time and the reason he stated the ordinance was changed because there were some loop holes in the sewer use ordinance and tightened it up so those situations wouldn't happen anymore. And that is when that \$5,200 assessment fee was set up for people outside of the district as a result of those changes.**

**Mr. Dulude asked where does the \$5,200 come from?**

**Mr. Nordstrom's stated that basically it is a discounted cross to tie into the system for those people buying capacity into the system and in lieu of an assessment, you can't assess them because they are putting in their own sewer. Basically to buy into the system by capacity the treatment plant that everybody else did when they got their assessments in formal districts.**

**Mr. Dulude stated that he doesn't think it is fair to pay for the little guy to pay \$5,200 for 5 units for \$26,000 while the Meadows is paying \$36,000 for 80 units.**

**Mr. Nordstrom stated that the Meadows are a different situation than all of the others. At the Meadows that is the way the ordinance read at the time that they got all of their approvals and whether it was a loop hole or the way the ordinance read back then, after that**  
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**because of the court case they changed the sewer use ordinance as recommended by council because his interpretation the way it read, the town would have not won in court because an independent party would look at the ordinance and say that the developers are right and the people that live in the development are correct. After that particular court case was settled, the sewer use ordinance was changed to eliminate those types of situations where they got a break.**

**Mr. Dulude wanted to have an informal conversation with the commission and to say he did and move onto the next step and see what the council has to say.**

**Mr. Nordstrom stated that they had established the sewer districts before, the Union Village sewer district were already established and apparently it missed Glen Road for whatever reason, ledge or whatever. And they were outside the district. There was the same situation off of Woonsocket Hill Road., Pine Street a side street, and it wasn't part of the original district and there are sewers going down**



**both streets in between. It wasn't included in that delineation.**

## **6. CORRESPONDENCE AND COMMUNICATIONS**

**Mrs. Briggs stated that there is no correspondence received.**

## **7. OLD BUSINESS**

**Mrs. Briggs expressed to all members that she has been trying to attend meetings with the administration in working to identify the number that is expected to be (delinquent on) enlight as to when the bonds come due and she thinks that they maybe going into the negative this year. They are working to try and identify all those folks who should be on the system and/or paying for the system and make a determination as to whether those that are and those that are paying match up with the list of those that should. Once that has been established, there will be activity on the administration's part to go through and start a compliance task. She hopes to have some numbers for the workshop with the council because she thinks that is important when they start to discuss the facility plan and expand on the system. They need to understand and there is a number of two million dollars that has been shuffled about and a two million dollar shortfall since she has been on the commission almost seven years ago and if in fact that is the case, she doesn't have those numbers, certainly before any decision is made, this council and any subsequent council needs to know what they up against and are trying to work through that. She has been trying to make meetings on a weekly basis and even though if she isn't able to make the**

meetings, they still hold the meetings and so hopefully by the time they meet, the council will have something.

## **8. NEW BUSINESS**

Mrs. Briggs stated that there is no new business

## **9. ADJOURN**

**MOTION** by Mr. Connolly, seconded by all members and voted unanimously on an aye 5-0 vote to adjourn the meeting at 7:30 P.M.

Meeting adjourned at 7:30 P.M.

Respectfully Submitted By,

Patricia A. Paul

Sewer Commission Secretary